

# A New Bylaw for Private Residential Piers

By BILL TENHOOR

*The second in a series of two articles by the PASS Committee.*

At the upcoming town meeting, citizens will be asked to vote on a new zoning bylaw that addresses the location, design and construction of residential piers. The bylaw is a response to conflicts between property owners abutting town landings and ways to the water who seek to build private piers, and the users of those public spaces who believe that piers too close to those spaces negatively impact them and seek to prevent such occurrences. In addition, the bylaw also creates a new zoning district called a Waterfront Scenic Overlay District.

Proposed by the Pier, Access and Shoreline Study (PASS) Committee, the bylaw is the result of two years of study. In the February 4 *Clipper* article we explained the context of and rationale for the bylaw. This article explains the bylaw itself.

The first bylaw article creates six Waterfront Scenic Areas (WSAs). These are the areas where one views the Bay while proceeding along our public ways. The largest WSA is the area seaward of Power Point Avenue, St. George and Washington Streets along the Bluefish River. The other five WSAs are at the Western end of the Power Point Bridge, the bridge on Marshall Street crossing to Standish Shore, where Bay Road first dips to the Nook, the next dip in Bay Road to the South of Wirt Way, and finally the last dip in Bay Road just South of Hicks

Point. A WSA map, prepared by the Urban Harbors Institute, the PASS study consultant, is on display at the Planning Board offices. WSAs are "the abutting waterfront land viewed from a public road, along which there is an open, unobstructed view of the ocean, harbor, bay or estuary." Such areas are "delineated by a line extending from a public road ROW

views.

The second article consists of four sections. The first of these sections, Section 302, defines terms such as what are a "pier" and a "way to the water". It also indicates that the bylaw affects only residential piers. Section 404.20, Determination of Suitability of Residential Piers, inserts new language about the construction criteria to which a

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centerline 300 feet seaward, starting at the first affected parcel and continuing to the final parcel." A total of 34 parcels are contained in the six WSAs.

The second article proposes criteria for pier construction or reconstruction within WSAs, including limits on pier length, width, height, footprint and railing design. Army Corp of Engineer criteria encourage the construction of rather substantial piers, a good deal in excess of what exists in Duxbury's wetland WSAs today. If all rebuilt and new piers were done in this fashion, they would physically dominate the existing wetlands and their subtle qualities. Accordingly, new piers in WSAs will be required to be somewhat more constrained in their design, and rebuilt piers cannot be increased in size beyond what exists today. The Committee believes these are restrictions that will not impair the functionality or use of existing or new piers and yet will preserve the current

pier must conform. Thus, in subsection 1, "the pier must be constructed over the shortest distance of salt marsh to access the water unless safety or navigational issues suggest otherwise." Subsection 2 states that "the pier shall not exceed 200' in length" (already a Conservation Commission regulation). The construction criteria are quite specific, and dictate the maximum size of floats, railings and materials ("principally out of wood").

An important provision is 404.20.9, which states "all new piers shall be located no closer than 150' from the nearest sideline of a town landing or way to the water." This provision creates a buffer area around landings. Under current rules, residential piers can be located as close as fifteen feet from a town landing. Presently 3 of the town's 14 landings already have piers located immediately adjacent to them, all located on the Back River (Cove Street, Drew Salt Works and

Peterson's Landings). Approximately 13 of the landings and ways to the water are only the width of the street leading down to them, or approximately 30' wide. Thus, an immediately adjacent pier would have the effect of considerably restricting the use of the landing and diminishing its recreational and scenic values.

The bylaw enables and encourages contiguous waterfront parcels to build shared piers. The Committee members believe shared piers are a far more desirable option than individual piers. Under current rules, shared piers are difficult to create, especially if they cross a side lot line, and some believe the zoning code prohibits them entirely, even though there are examples in town.

Shared piers are encouraged in three ways. They are not required to access the water over the shortest distance of salt marsh coverage, as are other piers. Thus they could be more advantageously placed on the participating lots. The bylaw also explicitly enables a shared pier to cross internal lot lines, a present limitation; though it must still meet the 15' sideline setback of abutting properties. Finally shared piers may have larger floats at their terminus, or up to 200-sq. ft. per owner up to a maximum of 600 sq. ft. total, with an override possible if approved by the Harbormaster and the Conservation Commission.

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